

Remarks/Arguments:

Claims 1-42 are pending, with claims 6, 9, and 10 being amended, and claims 37-42 being newly added, hereby.

Claims 6, 9, and 10 are amended by deleting preferred subject matter, which now constitutes the subject matter of (new) claims 37-42.

Claim 1 is amended by specifying that "one or more" of the "hydrophilic polymer blocks"—of the "one or more amphiphilic block-copolymers"—constitute "end blocks" of the block copolymers, as described in the instant specification (page 10, second complete paragraph). Claim 1 is further amended to recited "one or more hydrophobic polymer blocks"—of the "one or more amphiphilic block copolymers"—in order to more clearly establish antecedent basis for the "diblock copolymer of formula AB" recited in present claim 11.

According to the instant Office Action (page 3), applicants' election—in the response filed October 15, 2009, in the PTO—was made without traverse because (allegedly) "applicant did not distinctly and specifically point out the supposed errors in the restriction requirement." The allegation is incorrect.

As set forth in applicants' aforesaid response (page 2) (emphasis original):

Traverse is maintained because the requirement (Office Action, page 10) incorrectly states: "The examiner has required restriction between product and process claims." On the contrary, the examiner has not required "restriction between product and process claims"—or any other "restriction," for that matter—and, so, applicants have made no election (hereby) between product and process claims.

Consequently, neither product nor process claims (as a group) can be withdrawn from consideration pursuant to the instant election of species.

How the aforesaid statement "did not distinctly and specifically point out the supposed errors in the restriction requirement" defies reason and logic, with all due respect.

Accordingly, applicants' election was made **with** traverse in the response filed October 15, 2009 in the PTO, allegations to the contrary in the instant Office Action notwithstanding, and the traverse is maintained.

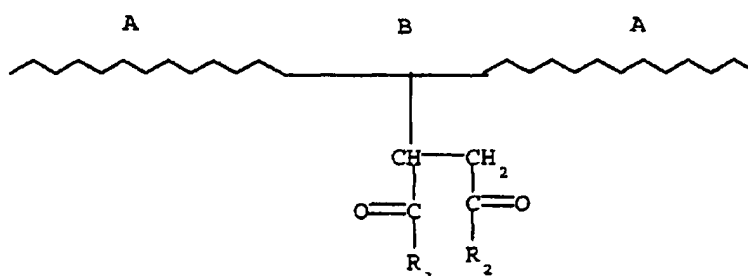
Claims 9 and 10 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Reconsideration of the rejection is requested in view of the amendments to the claims presented hereby.

Claims 9 and 10 were rejected based on their reciting preferred subject matter. Since the preferred subject matter is no longer recited in the rejected claims (*i.e.*, as amended hereby), the rejection is rendered moot. Withdrawal of the rejection is in order.

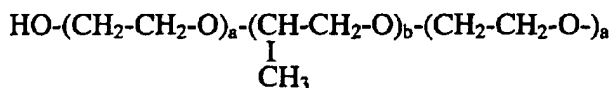
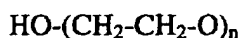
Claims 1, 6-13, 21, and 26 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over WO 98/48858 in view of CA 02426251, as allegedly evident by the article by Wang. Reconsideration is requested.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art, *In re Royka*, 180 USPQ 580 (CCPA 1974), and the "Examiner bears [both] the initial burden . . . of presenting a *prima facie* case of unpatentability" and

poly(ethylene/butylene) block containing grafted hydrophilic groups, it being possible for said amphiphilic copolymer ABA to be represented schematically by the following structure:



in which R_1 and R_2 , which are identical or different, are hydrophilic groups with an average molecular weight below 10,000, selected from the following groups:



in which n , a and b are integers.

As readily understood from the aforesaid description in the reference, the only "end blocks" of the amphiphilic copolymer are hydrophobic "polystyrene" blocks, with hydrophilic blocks, (*i.e.*, "poly(ethylene/butylene) block containing drafted hydrophilic groups") constituting midblocks. In other words, the amphiphilic block copolymer disclosed in CA '251 contains no hydrophilic end blocks.

As opposed to the amphiphilic block copolymer disclosed in CA '251, the "amphiphilic block-copolymers" recited in the present claims comprise "one or more hydrophilic polymer end blocks" (emphasis added). And, as admitted in the statement of rejection, WO '858 also does not support the limitation on the present claims to "amphiphilic block copolymers." Accordingly, since

"the cited references do not support each limitation of [the] claim[s]," the §103(a) rejection—as applied against the present claims—is "inadequate on its face." *Thrift*, 63 USPQ2d at 2008. All limitations on the present claims must be taught or suggested by the cited prior in order to establish *prima facie* obviousness of the presently claimed invention. *Royka, supra*.

For the foregoing reasons, the rejection under §103(a) is overcome, and withdrawal of the rejection is in order.

***Request for Grant of
Foreign Priority Under 35 USC 119***

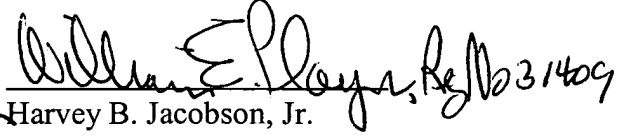
A claim to foreign priority under 35 USC 119 has been made (inventorship declaration of record, filed April 7, 2006)) and the certified copy of the priority document provided to the International Bureau—satisfying PCT Rule 17.1(a)—and, thereafter, effectively received by the PTO, from the International Bureau (Notification of Acceptance, mailed October 3, 2006, by the PTO).

Accordingly, request is made that the Examiner mark the next Office Action to acknowledge, both, the claim to §119 priority and receipt of the certified copy—by marking the appropriate boxes on the Office Action Summary sheet.

Favorable action is requested.

Respectfully submitted,

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